

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL GILL,

Plaintiff,

v.

RUDOLPH W. GIULIANI,  
THE CITY OF NEW YORK,  
P.O. MATTHEW T.MCCA RTHY  
DETECTIVE MICHAEL LEVAY SGT. FNU  
MILATTA  
SGT. JAMES COUGHLIN  
SUPERVISER(S) JOHN DOE(S),  
Defendants.

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Case No. 23-cv-04087

Defendant Rudolph Giuliani (“Defendant”), *pro se*, answers Plaintiff’s First Amended Complaint (the “Complaint”) as follows:

1. Paragraph 1 calls for a legal conclusion to which no response is required, To the extent a response is required, Defendant denies the allegations contained in Paragraph 1 of the Complaint.

2. Paragraph 2 calls for a legal conclusion to which no response is required, To the extent a response is required, Defendant denies the allegations contained in Paragraph 2 of the Complaint.

3. Defendant denies the allegations contained in Paragraph 3 of the Complaint.

4. Defendant denies the allegations contained in Paragraph 4 of the Complaint.

5. Defendant denies the allegations contained in Paragraph 5 of the Complaint.

6. Paragraph 6 calls for a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in Paragraph 6 of the Complaint.

7. Defendant lacks knowledge and information sufficient to respond to Paragraph 7 of the Complaint.

8. Defendant denies the allegations contained in Paragraph 8 of the Complaint.

9. Defendant denies the allegations contained in Paragraph 9 of the Complaint.

### **JURISDICTION AND VENUE**

10. Paragraph 10 of the Complaint sets forth a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in Paragraph 10 of the Complaint.

11. Paragraph 11 of the Complaint sets forth a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in Paragraph 11 of the Complaint.

12. Paragraph 12 of the Complaint sets forth a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in Paragraph 12 of the Complaint.

13. Paragraph 13 of the Complaint sets forth a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in Paragraph 13 of the Complaint.

14. Paragraph 14 of the Complaint sets forth a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in Paragraph 14 of the Complaint.

15. Paragraph 15 of the Complaint sets forth a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in Paragraph 15 of the Complaint.

**PARTIES**

16. Defendant Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint.

17. Defendant admits that he is the former mayor of New York.

18. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the Complaint.

19. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint.

20. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in both Paragraph 20s of the Complaint. Plaintiff misnumbered the complaint.

21. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint.

**THE FACTS (Defendant denies that these are facts)**

22. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint.

23. Defendant denies the allegations contained in Paragraph 23 of the Complaint.

24. Defendant denies the allegations contained in Paragraph 24 of the Complaint.

25. Defendant denies the allegations contained in Paragraph 25 of the Complaint.

26. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of the Complaint.

27. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of the Complaint.

28. Defendant denies the allegations contained in Paragraph 28 of the Complaint.

29. Defendant denies the allegations contained in Paragraph 29 of the Complaint.

30. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint.

31. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of the Complaint.

32. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of the Complaint.

33. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint.

34. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of the Complaint.

35. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of the Complaint.

36. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint.

37. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of the Complaint.

38. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of the Complaint.

39. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39 of the Complaint.

40. Defendant denies having knowledge or information sufficient to form a belief as

to the truth of the allegations contained in Paragraph 40 of the Complaint.

41. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint.

42. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of the Complaint.

43. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of the Complaint.

44. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint.

45. The quote referenced in Paragraph 45 speaks for itself and at this time, Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of the Complaint.

46. The quote referenced in Paragraph 46 speaks for itself and at this time, Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of the Complaint.

47. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the Complaint.

48. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of the Complaint.

49. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of the Complaint.

50. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint.

51. All of these statements were dismissed from the complaint except for 51(a), and therefore no response is required. With respect to 51(a), Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51(a) of the Complaint.

52. All of these statements were dismissed from the complaint except for 52(c), and therefore no response is required. With respect to 52(c), Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52(c) of the Complaint.

53. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of the Complaint.

54. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint.

55. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of the Complaint.

56. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of the Complaint.

57. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of the Complaint.

58. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint.

59. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of the Complaint.

60. Defendant denies having knowledge or information sufficient to form a belief as

to the truth of the allegations contained in Paragraph 60 of the Complaint.

61. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of the Complaint.

62. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of the Complaint.

63. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 of the Complaint.

64. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 of the Complaint.

65. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 of the Complaint.

66. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 of the Complaint.

67. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of the Complaint.

68. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of the Complaint.

69. Defendant denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the Complaint.

#### **FIRST CAUSE OF ACTION**

70. The First Cause of Action has been dismissed pursuant to Court order, and therefore, no response to Paragraph 71 of the Complaint is required.

71. The First Cause of Action has been dismissed pursuant to Court order, and

therefore, no response to Paragraph 71 of the Complaint is required.

72. The First Cause of Action has been dismissed pursuant to Court order, and therefore, no response to Paragraph 72 is required.

### **SECOND CAUSE OF ACTION**

73. The Second Cause of Action has been dismissed pursuant to Court order, and therefore, no response to Paragraph 73 of the Complaint is required.

74. The Second Cause of Action has been dismissed pursuant to Court order, and therefore, no response to Paragraph 74 of the Complaint is required.

75. The Second Cause of Action has been dismissed pursuant to Court order, and therefore, no response to Paragraph 75 of the Complaint is required.

### **THIRD CAUSE OF ACTION**

76. Repeat and restate each denial and response as if set forth fully herein.

77. Deny the allegations contained in Paragraph 77 of the Complaint.

### **FOURTH CAUSE OF ACTION**

78. The Fourth Cause of Action has been dismissed pursuant to Court order, and therefore, no response to Paragraph 78 of the Complaint is required.

79. The Fourth Cause of Action has been dismissed pursuant to Court order, and therefore, no response to Paragraph 79 of the Complaint is required.

### **FIFTH CAUSE OF ACTION**

80. The Fifth Cause of Action has been dismissed pursuant to Court order, and therefore, no response to Paragraph 80 of the Complaint is required.

81. Defendant denies all of the allegations not expressly admitted in this answer.

82. Defendant denies all allegations in the “Wherefore” clause of the Complaint.

### **AFFIRMATIVE DEFENSES**



**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

1. The Complaint fails to state a claim upon which relief may be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

2. Plaintiff's claims are barred by the applicable statute(s) of limitations.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

3. Plaintiff's claims must be dismissed because he has not suffered any damages attributable to Mr. Giuliani's statements.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

4. Plaintiff's claims are barred, in whole or in part, by the First Amendment to the United States Constitution.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

5. Plaintiff's claims are barred, in whole or in part, because the allegedly defamatory statements are true or substantially true

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

6. Plaintiffs' claims are barred, in whole or in part, by the judicial and litigation privileges.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

7. Plaintiffs' Complaint is barred by New York's Anti-SLAPP law.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

8. Plaintiff's claims are barred, in whole or in part, because the allegedly defamatory statements concerned matters of substantial public interest and legitimate public concern and Defendant did not act with actual malice.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

9. Plaintiff's claims are barred, in whole or in part, because by attacking the father of gubernatorial candidate and a former New York mayor, Plaintiff was a public figure.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

10. Plaintiff's claims are barred by New York Civil Rights Law Sections 74 and 76.

**AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE**

11. Plaintiff's claims are barred because Defendant's statements are protected opinion.

**AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE**

12. Plaintiff's claims are barred because the statements are issue are not "of and concerning" Plaintiff.

**AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE:**

13. Plaintiff's claims are barred, in whole or in part, because Plaintiff failed to mitigate his damages.

**AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE:**

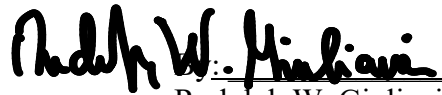
14. Plaintiffs' claims are barred to the extent that Plaintiff's own acts, rather than Defendant's acts, caused and/or are responsible for Plaintiff's alleged injury.

**RESERVATION OF RIGHTS**

Defendant specifically reserves his rights to assert further and/or different affirmative defenses as are appropriate as investigation and discovery continues in this action.

**WHEREFORE,** Defendants respectfully demand judgment as follows: (a) dismissing Plaintiff's Complaint herein with costs; and (b) granting other and further relief as the Court deems just and proper, including awarding Defendants their fees and costs.

Dated: New York, New York  
December 30, 2024

  
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Rudolph W. Giuliani